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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,701	10/16/2001	Nobuhiro Ikeda	35.C15877	3756

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

JAMAL, ALEXANDER

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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12/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/977,701

Applicant(s)

IKEDA, NOBUHIRO

Examiner

Alexander Jamal

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 12, 16, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Based upon the submitted amendment, entered via RCE, the examiner notes that claims 3,6-11,13-15,17,20-23 are cancelled, and claims 1,5,12,16,18,19 have been amended.

Claim Rejections - 35 USC § 112

1. Claims 1,2,4,5,12,16,18,19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims use the term “management device”. It is not clear exactly what this is referring to. For the purpose of examination, examiner assumes it is any portion of the communication control device and/or the management center.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 5, 16 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Inoue (7136368).

As per **claims 1,16**, Inoue discloses a **management center-base station** that communicates with **communication control devices-mobile terminals**. The devices may be used in an (Col 1 line 60 to Col 2 line 5) ad-hoc manner which inherently comprises a wireless device-**communication control device** receiving and **registering-storing to memory** the **identifier** of the master device-**management center** for the purpose of the terminal being able to communicate with the master device (or any other devices in the ad-hoc network). The **communication control devices** also are assigned addresses-**identifiers** (Col 2 lines 40-61) via a wireless message from a **management device**. Examiner notes that any portion of Inoue's system may be read as a 'management device'.

As per **claim 2**, the **communication control devices** inherently comprise '**peripheral devices**' for the purpose of performing the telephone functions. The mobile terminals are managed by the base station.

As per **claim 4**, it is rejected as per the claim 1 rejection.

As per **claims 5,19** the terminals used in the disclosed ad-hoc network inherently require receiving and registration of the addresses of a plurality of other terminals on the ad-hoc network for the purpose of the terminals being able to communicate.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 12 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (7136368) as applied to claims 1 and 16 and further in view of Seo (US Patent 5,764,281).

Regarding Claim 12, Seo discloses a remote control system that prompts a user for a password (i.e., requests identification data from a management center) and receives a password from a user (i.e., input means for inputting a password) (column 4, lines 20-32). Seo further discloses that such an arrangement prevents

presentation of unsuitable content to users (column 6, lines 14-20). It would have been obvious to one skilled in the art at the time of the invention to apply password request and input as taught by Seo to the system taught by Inoue for the purpose of realizing the aforesaid advantage.

All elements of **Claim 18** are essentially comprehended by Claim 12. As such, Claim 18 is rejected on the same grounds as Claim 12.

Response to Arguments

Applicant's arguments filed 24 April 2007 have been fully considered but they are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

Examiner Alexander Jamal

November 30, 2007

